IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 1181 OF 1986

M/s.A.J. Mehta & Co. .. Plaintiff

versus

M/s.The Kerala State Coir Corporation Ltd. .. Defendant

...

Mr.R.M. Nakhwa for the plaintiff.

Ms.M. Modi i/b Anil Menon for the defendant.

CORAM : D.G. KARNIK, J

DATED : 16th June 2006.

P.C.:

1. Heard learned counsel for the plaintiff and the defendant.

2. The suit is for recovery of money. The defendant has not filed any written statement. The plaintiff is therefore entitled to a decree under Order 8 Rule 10 of the Code of Civil Procedure.

3. Learned counsel for the defendant submits that in pursuance of an order passed in Appeal No.252 of 1999, the defendant has deposited certain money in the Court which has been withdrawn by the plaintiff. If so, the plaintiff would be required to give a credit for the money withdrawn. Hence, I pass the following order :

4. The suit of the plaintiff is decreed under Order 8 Rule 10 of the Code of Civil Procedure in terms of prayer clause (a). Learned counsel for the plaintiff does not press any of the reliefs.

5. The plaintiff would be required to give credit to the defendant in respect of the money if any deposited by the defendant which the plaintiff is permitted to withdraw.

(D.G. KARNIK, J)